

## **REMARKS**

### I. Status of the Application

Claims 22-24 and 34-36 are pending in this application. The final rejection of claims 13-16, 18-21, 25-28, 30-33, and 37-42 have been affirmed. In the February 23, 2010 Decision on Appeal, the Board of Appeals:

A. Rejected claims 22-24 and 34-36 under 35 U.S.C. §103(a), as allegedly being unpatentable over U.S. Patent No. 6,363,422 to Hunter (hereinafter “Hunter”).

In this response, applicants have amended claims 22-23 and 34 and have added new claims dependent upon one of claims 22-23 and 34. It is respectfully submitted that the amendments to claims 22-23 and 34 overcome the rejections over Hunter. Reconsideration of the application in light of the foregoing amendments is respectfully requested.

### II. Obviousness Rejection of Claim 22

Claim 22 stands rejected as allegedly being rendered obvious over Hunter. As will be discussed below in detail, the proposed modification of Hunter does not arrive the invention of amended claim 22. In particular, Hunter does not teach or suggest a method that includes communicating service related information “wherein said communicated service related information is organized by site, and *includes information identifying a quantity of service calls having an open status, and information regarding a quantity of service calls having a closed status.*”

A. Claim 22

Claim 22 has been amended to, among other things, incorporate the limitations of underlying claim 13, now canceled. Claim 22 has also been amended to add new limitations not previously present, which are explained further below.

In general, amended claim 22 is directed to a method of providing information relating to service activity for a plurality of building sites that includes a step of providing a web portal comprising a database. The method involves storing service related information about a plurality of building sites in the database, the web portable capable of being operatively connected to one or more clients. The method also includes storing service activity information for a plurality of service calls, storing for each of the plurality of calls a corresponding status of the service calls. The method further includes receiving at the web portal a request for information about a status of service activity for one or more building sites from one or more clients. As claimed, the method also includes determining at the customer web portal a plurality of service activities that are implicated by the request, and communicating from the web portal information implicated by the request such that the information is capable of being on a client display.

The communicated service related information is organized by site. As per the amendments presented herein, the communicated service related information includes information identifying a quantity of service calls having an open status, and information regarding a quantity of service calls having a closed status.

Thus, as amended, the method not only communicates service related information, but also communicates information regarding the number of service calls having an open status

and the number of service calls having a closed status. Such information may then be displayed, as illustrated for example in Fig. 10 of the application as filed. Support for the amendment may be found in the specification at page 43, lines 16-24 and Fig. 10.

B. Hunter Does Not Disclose Service-Related Information  
Regarding Service Calls That Have an Open Status and a Closed Status

Hunter does not disclose or suggest a method that includes a step of “communicating from said web portal information implicated by said request such that said information is capable of being on a client display... wherein said communicated service related information ...includes information identifying a quantity of service calls having an open status, and information regarding a quantity of service calls having a closed status”. As defined within context in the specification, a service call having an open status is a maintenance/service call, order or request for a building control device that has not been resolved, as least to some level, whereas a service call having a closed status is a maintenance/service order for a building that has been resolved, at least to that same level. (See Specification at p.32, lines 11-13, p.41, lines 5-17, and p.42, line 21 to p.43, line 5).

Hunter does not disclose a system that communicates any service order, maintenance order, or service call information, much less information regarding quantities of *open* and *closed* service calls. Neither the Examiner nor the Board of Appeals have alleged that Hunter teaches such a system. To the contrary, the Board of Appeals has alleged that Hunter teaches communicating *service related information* by employing a broad definition of that term, such that it covers nearly any information regarding a building control system, including ordinary building control operational values – e.g. temperature settings, temperature measurements,

flow measurements, and the like. Specifically, the Board of Appeals held that “we find the claim term ‘service-related information’ may be broadly, but reasonably construed as *any reports relating to* fire, HVAC, mechanical, and security systems within a building site” (Decision on Appeal at p.10) (emphasis added).

Thus, the Board has *not* held that Hunter teaches communication of service call or maintenance request information. Instead, the Board held that the ordinary building control information communicated by Hunter falls under the broad term “service-related information”. This was the Board basis for affirming the rejections of most of the claims, as well as for rejecting claim 22, among others.

Accordingly, in this amendment, the communicated service related information of claim 22 has been further defined to include specific values or information regarding at least to specific types of status for service *calls*. This information is clearly distinct from the ordinary building control values communicated by Hunter. As a result, while the building control values communicated in Hunter may constitute “service related information”, they do not constitute “service related information … identifying a quantity of service calls having an open status, and information regarding a quantity of service calls having a closed status”, as recited in amended claim 22.

Because Hunter does not teach or suggest each and every element of claim 22, claim 22 as amended is allowable over the prior art of record.

### III. New Claims 43-49

New claims 43-49 depend from claim 42 and are therefore allowable for at least the same reasons. New claims 43-49 largely track claims 14-21 as previously presented.

Moreover, claim 47 includes further refinement of the new limitations of claim 22, and is allowable for additional reasons.

IV. Claim 34 as Amended, and New Claims 50-53, are Allowable

Claim 34 has been amended to incorporate limitations similar to that of claim 22 as amended. In particular, claim 34 recites:

web portal capable of communicating said service activity information implicated by said request such that said service activity information is capable of being displayed on a client display, said communicated service activity information including information capable of being displayed to identify a quantity of service calls having an open status, and a quantity of service calls having a closed status.

As discussed above, Hunter does not teach or suggest communicating information regarding the number of service calls having open and closed statuses. Hunter certainly does not communicate information *capable of being displayed* to identify the quantity of service calls having open and closed statuses. Accordingly, for reasons similar to those discussed above in connection with claim 22, it is respectfully submitted that claim 34 is allowable over the prior art of record.

New claims 50-53 depend from claim 34 and are therefore allowable for at least the same reasons.

V. Claim 23 as Amended, and New Claims 54-55, are Allowable

Claim 23 has been amended to incorporate limitations that define over Hunter. In particular, Claim 23 recites the following limitation:

wherein said communicated service related information is organized by system, and includes information identifying a quantity of service calls for each of a plurality of systems.

Support for this limitation may be found, for example, in Fig. 10.

As discussed above, Hunter does not teach or suggest communicating any information regarding service *calls*. The only “service-related information” communicated in Hunter is information from ordinary building control operations. Hunter certainly does not communicate information identifying a quantity of service calls for each of a plurality of systems, as per claim 23.

Accordingly, for reasons similar to those discussed above in connection with claim 22, it is respectfully submitted that claim 23 is allowable over the prior art of record.

New claims 54-55 depend from claim 23 and are therefore allowable for at least the same reasons.

VI. Conclusion

For all of the foregoing reasons, it is respectfully submitted the applicant has made a patentable contribution to the art. Favorable reconsideration and allowance of this application is therefore respectfully requested.

In the event applicant has inadvertently overlooked the need for an extension of time or payment of an additional fee, the applicant conditionally petitions therefore, and authorizes any fee deficiency to be charged to deposit account 19-2179.

Respectfully submitted,

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Date: April 22, 2010

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